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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,091	03/13/2000	Jennie Ching	1500P/BC999065	6651

7590
Sawyer Law Group
P O Box 51418
Palo Alto, CA 94303

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/524,091

Applicant(s)

CHING ET AL.

Examiner

Andrew Y. Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09 October 2006 have been fully considered but they are not persuasive.

The applicant argues that neither McCoy nor Esch teach a plurality of local spots from a central site server to one or more remote site servers prior to playout of a program feed. Specifically in that Esch teaches a standard commercial and not local spots. The examiner disagrees; Esch teaches transmitting customized commercials for local networks inserted into a satellite feed to remote distribution facilities (col. 3, ll. 15-36). Esch teaches that the commercials are transmitted from the headend computer to each universal platform, thereby generating a customized commercial (col. 4, ll. 60-67) (e.g. these commercials are tagged at the transmitter so as to enable the remote sites to retrieve the local customized content and store the content on VTR). It is clear that these are not national commercials but are designated for a particular region.

The applicant further argues that the communications processor customizes the commercials through tagging, in that Esch teaches that all customization is accomplished using CACS computers (col. 3, ll. 49-53), which resides at the headend (fig. 2).

The applicant further argues that Esch fails to disclose distributing the locally produced content is received from the central site. The examiner disagrees; Esch teaches the local sites receiving the locally produced content from the central site by using tagging (col. 4, ll. 57-67).

The applicant argues that there is no motivation to combine McCoy and Esch in that McCoy clearly teaches away as McCoy clearly discloses local media 426 that is not received from a central site. The examiner disagrees; the mere fact that McCoy teaches an alternative means for receiving local media does not preclude modifying McCoy by receiving local media from other sources, such as taught by Esch. The claims fail to preclude that the local spots can be received from other sources. Further, one of ordinary skill in the art would readily recognize the benefits of using Esch in that provides local advertisements to different regions and reduces the processing at the downlink facility.

The applicant has not traversed the examiner's assertions of official notice. Consequently, the examiner notes the features of the official notice are taken to be admitted prior art because the applicant failed to traverse the examiner's assertion of official notice.

The following Official Notices are taken to be admitted prior art:

Official Notice is taken that a GUI associated with a central site server is known in the art.

Official Notice is taken that a video switch card is known in the art.

Claim Objections

2. Claim 40 is objected to because of the following informalities:

Dependent claim 40 recites the same limitations of claim 26 and depends from claim 25. As such, claim 25 and 40 are substantially identical, but have different

preambles. It appears that claim 40 should depend from claim 39 (in order to maintain antecedence) and will be treated depending from claim 39.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-24, 27-31, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,575 to McCoy et al. (McCoy) in view of U.S. Patent 5,099,319 to Esch et al. (Esch).

Regarding claims 21, 28, and 35, McCoy teaches prior to the playout of the program feed, distributing a plurality of multimedia sports from a central site server to one or more remote site servers located at one or more corresponding remote sites relative to the central control site (fig. 1, col. 5-6, ll. 41-8).

Whereas McCoy teaches multimedia clips, McCoy is silent on distributing a local spots from a central site server to one or more remote site servers. In analogous art, Esch teaches distributing local commercials for different regions from a central site to remote sites (see fig. 1, col. 3, ll. 20-35, col. 7, ll. 18-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

McCoy by distributing a local spots from a central site server to one or more remote site servers as taught by Esch in order to provide local advertisements to different regions and reduce the processing at the downlink facility.

McCoy teaches sending a plurality of control parameters from the central server to each of the one or more remote servers (fig. 18-19, col. 4, ll. 33-51, col. 16, ll. 41-52). McCoy teaches transmitting the program feed from the central server to remote sites (col. 19, ll. 41-62), and each of the remote sites automatically switching between the playout of the program feed and playout of the multimedia content in accordance with the plurality of parameters received (col. 20, ll. 33-43).

McCoy is silent on the switching between the program feed and local spot. In analogous art, Esch teaches switching between the program feed and local spot (col. 8, ll. 35-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy by switching between the program feed and local spot as taught by Esch in order to provide the local advertisements to the desired viewers, thereby increasing the effectiveness of the advertisements.

Regarding claims 22, 29, and 36, McCoy teaches the program feed received by from the uplink facility, which reads on a network feed, but is silent on a local spot comprising local advertising or a local announcement. In analogous art, Esch teaches the local spot as advertisements (col. 3, ll. 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

McCoy by using local advertisements as taught by Esch in order to effectively display pertinent information to viewers.

Regarding claims 23, 30, and 37, McCoy teaches the central server in communication with the remote site server through a telephone network (col. 6, ll. 9-14), which reads on a distribution network.

Regarding claims 24, and 31, McCoy teaches a remote site comprising a video server (col. 5, ll. 8-11).

Regarding claims 27 and 34, McCoy teaches setting control parameters, but McCoy and Esch are silent on using a graphical user interface (GUI) associated with a central site server. Official Notice is taken that a GUI associated with a central site server is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy and Esch by using a GUI associated with a central site server in order to enable the user to easily input and adjust information.

Regarding claim 38, McCoy teaches remote site servers comprising a video server (col. 5, ll. 8-11) and switching between playout of the program feed and local spot (Esch: col. 8, ll. 35-65) as discussed in the independent claim, but McCoy and Esch are silent on a video switch card. Official Notice is taken that a video switch card

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is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy and Esch by using video switch card in order to efficiently switch program streams using a server.

5. Claims 25, 32, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,575 to McCoy et al. (McCoy) and U.S. Patent 5,099,319 to Esch et al. (Esch) in view of U.S. Patent 5,920,700 to Gordon et al. (Gordon).

Regarding claims 25, 32, and 39, McCoy teaches a plurality of control parameters including uplink parameters, schedule parameters (col. 4, ll. 9-35, col. 4, ll. 44-51, col. 9, ll. 24-35, col. 10, ll. 25-60, and col. 12, ll. 19-30). However, McCoy and Esch are silent on teaching a storage parameters controlling the distribution of data to be received. In analogous art, Gordon teaches storage parameters for controlling the distribution of assets (col. 5, ll. 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy and Esch by controlling the distribution of data to be received as taught by Gordon in order to save disk space and network bandwidth by copying or deleting assets based on their usage and priority.

6. Claims 26, 33, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,575 to McCoy et al. (McCoy), U.S. Patent

5,099,319 to Esch et al. (Esch), and U.S. Patent 5,920,700 to Gordon et al. (Gordon) in view of U.S. Patent 6,253,079 to Valentine et al. (Valentine).

Regarding claims 26, 33, and 40, McCoy teaches schedules of multimedia insertions (see fig. 19), which reads on a scheduler parameter including a playlist transmission lookahead. The combination of McCoy and Gordon has been discussed above; Gordon teaches a storage parameter including playlist entries (col. 5, ll. 45-61).

McCoy, Esch, and Gordon are silent on uplink parameters including one or more of an uplink broadcast transmission, an uplink forward, or an uplink look-ahead. In analogous art, Valentine teaches retransmitting data when the threshold of the capacity of the satellite is exceeded (col. 5, ll. 9-26, col. 5, ll. 34-67), which reads on an uplink broadcast transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy, Esch, and Gordon by an uplink parameter including an uplink broadcast transmission as taught by Valentine in order to share resources on a satellite in a fair manner to prevent overloading the capacity.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrew Y Koenig
Primary Examiner
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